



#119  
12/04/07

**COUNCIL PRESIDENT SCOTT PETERS  
FIRST DISTRICT**

**MEMORANDUM**

DATE: November 27, 2007

TO: Honorable Mayor and City Councilmembers

FROM: Council President Scott Peters

SUBJECT: Nominating the City Council Staff designee to the Managed Competition  
Implementation Review Board

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Charter Section 117(c) provides for managed competition in the provision of City services to the public. As part of the managed competition process, the Charter requires a seven-member Managed Competition Implementation Review Board ("MCIRB") be established to advise the City Manager whether a City department's proposal or an independent contractor's proposal will provide the services to the City most economically and efficiently while maintaining service quality and protecting the public interest. One of the members of the MCIRB shall be a City Council Staff designee appointed by the City Council.

I am pleased to recommend that the City Council Staff designee be the Deputy Director of the Independent Budget Analyst department, Penni Takade. Through this appointment, the IBA will be able to review these matters as they develop and make thoughtful recommendations when items are submitted for City Council approval.

cc: Andrea Tevlin, Independent Budget Analyst  
City Attorney Michael Aguirre



**OFFICE OF MAYOR JERRY SANDERS  
CITY OF SAN DIEGO**

**MEMORANDUM**

**DATE** : November 16, 2007  
**TO** : Council President Peters & Honorable Members of the City Council  
**FROM** : Mayor Jerry Sanders  
**SUBJECT** : Appointments to the Managed Competition Independent Review Board

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The Managed Competition Independent Review Board (MCIRB) was established in accordance with City Charter Section 117(c) to advise whether the proposal of City employees or that of an independent contractor will provide services to the City more economically and efficiently while maintaining service quality and protecting the public interest. It is my pleasure to appoint Desa Burton, Murray Galinson, Charles Kim, Jr., and Faye Wilson to the Managed Competition Independent Review Board, subject to your confirmation.

Desa Burton is an Associate with the law firm of Fish & Richardson P.C. where she practices in all areas of complex litigation including intellectual property and patent litigation. Ms. Burton represents clients in litigation matters before California state courts, U.S. district courts, and the U.S. International Trade Commission. She specializes her practice to cases related to electronics and computer software technology such as avionics software, video software, integrated circuits, and magnetic recording media.

Prior to practicing law, Ms. Burton achieved the rank of Lieutenant Commander while in the U.S. Navy serving as a Surface Warfare Officer onboard USS Briscoe (DD-977), Detachment Officer-in-Charge at Assault Craft Unit TWO, and Staff Operations Officer assigned to U.S. Southern Command. Ms. Burton also served in the U.S. Naval Reserve as a Staff Officer in support of U.S. Central Command.

Ms. Burton holds a B.S. degree from the U.S. Naval Academy, an M.B.A. from Florida International University, and a J.D. degree from the University of Pennsylvania Law School where she was Editor-in-Chief of the *Journal of International Economic Law*. She serves on the Board of Trustees for the California Ballet Association, and participates as a member of

Lawyers Club, the Earl B. Gilliam Association, and ATHENA. Ms. Burton resides in Rancho Bernardo and will serve for a term expiring November 1, 2009.

Murray Galinson is the Chairman of the Board of San Diego National Bank, a 2.5 billion-dollar bank headquartered in San Diego, California. In addition, he serves on the Boards of First Dental Health Corporation, Weingart Foundation, Price Charities, PriceSmart Corporation, Galinson Family Foundation, and is a member of the Galinson Group of La Jolla, California. Prior to joining San Diego National Bank, Mr. Galinson was a professor at California Western School of Law, Director of Administration of the National Mondale/Ferraro Presidential Campaign, and served as an Assistant United States Attorney for the Southern District of California and the District of Minnesota. In addition, he practiced law with the firm of Mullin, Galinson, Swirnoff and Weinberg in Minneapolis, Minnesota.

Among his many significant civic commitments, Mr. Galinson is a member of the Board of Trustees of California Western Law School, immediate past Chair of the Board of the California State University system, Vice Chair of the Boards of the San Diego Jewish Community Foundation and the National Board of the Jewish Funders Network. He has also served as Chair of the City of San Diego's Advisory Board on Police/Community Relations, Citizens' Review Board on Police Practices, UCSD Chancellors Associates, United Jewish Federation of San Diego, San Diego Blue Ribbon Task Force on Violence, and Museum of Photographic Arts of San Diego.

Mr. Galinson holds a B.A. degree from the University of Minnesota, a J.D. degree from the University of Minnesota and a Ph. D. degree from United States International University. Mr. Galinson resides in La Jolla and will serve for a term expiring November 1, 2010.

Charles Kim, Jr. is an Attorney Of Counsel to Yelman & Associates. He has over 24 years experience in civil practice, including family, business and commercial litigation, construction defect, firearms regulation, and maritime law. Prior to joining Yelman & Associates, Mr. Kim was a member of or associated with firms including E. Gregory Alford, Williams & Gilmore, Mitchell, Keeney, Barry & Pike, Jennings, Engstrand & Henrikson, Lillick McHose & Charles, and Peabody & Arnold, and was in solo practice for over a decade.

Mr. Kim's professional and civic activities include service on the Board of Directors of the San Diego County Bar Association, Citizens' Review Board on Police Practices, County Assessment Appeals Board, San Diego Stalking Strike Force, California Judicial Council Commission for Impartial Courts, Asian Business Association Advisory Board, and he is a life member of the Chinese Historical Society of San Diego & Baja California. He has also served as a County Hearing Officer, Judge Pro Tem of the Superior and Municipal Courts, member of the District Attorney's Community Advisory Board, Chair of the Citizens' Advisory Board on Police/Community Relations, Adjunct Professor of Law at the University of San Diego Law School, California Western Law School, and Thomas Jefferson School of Law, President of the Asian Pacific Bar of California and member of the Executive Committee of the State Bar Conference of Delegates. He is also a Master of the Enright Inn of Court.

Mr. Kim received his B.A. degree, cum laude, from Yale College, and J.D. degree from Columbia University School of Law. Mr. Kim resides in Golden Hill and will serve for a term expiring November 1, 2009.

Faye Wilson is the CEO and Co-Founder of Wilson Boyles & Company, a business management consulting company providing organizational alignment, operational efficiency, strategic planning, financial structuring, corporate culture change management, and business transition expertise. With more than 25 years experience in the banking and retail industries, Ms. Wilson has extensive expertise in global business management. She was the Senior Vice President of the Risk Management Group for Home Depot, and held various executive level positions during her 21 years at Bank of America including Executive Vice President, and Chairman and President of Security Pacific Financial Services, a wholly-owned subsidiary of BankAmerica Corporation where she led the turnaround and sale of a \$2.4 billion consumer finance business. She was also the Managing Director of the Leveraged Buyout Group for Security Pacific Merchant Bank before posting to the London office to lead cross-border mergers and acquisitions activities for Bank of America's European and U.S. customers. Ms. Wilson has served on various corporate boards including Home Depot and Farmers Insurance, and is currently on the Board of Directors for BioMed Realty Investment Trust and Cashstream, Inc.

Ms. Wilson's civic commitment and desire to positively impact the lives of others has led her to serve on various educational, scientific, and arts-related boards including the Atlanta Symphony, Big Brothers, Big Sisters Organization, Duke University, and the Mardan Foundation. She is currently on the Board of Directors for the Efficacy Institute, Neurosciences Institute, San Diego Opera, and San Diego Theaters, Inc.

Ms. Wilson received her B.A. degree in Finance and Economics from Duke University. She holds Masters Degrees in Business Administration and International Relations from the University of Southern California. Ms. Wilson was nominated by Councilmember Toni Atkins and resides in Rancho Bernardo. She will serve for a term expiring November 1, 2010. It is my intent to appoint Faye Wilson as Chair of the Managed Competition Independent Review Board.

Each Board member on the MCIRB will be required to file an Annual Statement of Economic Interest Fair Political Practices Commission Form 700. In addition, each member must comply with five additional safeguards to prevent conflict of interests or the appearance thereof. These provisions state that:

- Board members are shall be barred from making financial contributions to, or publicly support or oppose, a candidate or incumbent for City office;
- Board members are barred from acting as a lobbyist required to register with the City;
- Board members shall not have any personal or financial interests that would create conflict of interests with the duties of a Board member;

- Board members are prohibited from entering into a contract with or accepting employment from an independent contractor that secures a City contract through Managed Competition for the duration of the contract; and
- Former Board members shall be barred from entering into a contract with or accepting employment from an independent contractor that secures a City contract through Managed Competition for the duration of that contract after leaving the Board, if the Board member participated in the selection process for that contract.

These four individuals embody the experience and professional background necessary to provide a rigorous and independent review of proposals placed into the Managed Competition process. I seek your support for these appointments, and ask that you join me in acknowledging these individuals for their willingness to serve the City and citizens of San Diego in this capacity.



JERRY SANDERS  
Mayor

JG/lg

cc: City Attorney Aguirre  
City Clerk Elizabeth Maland

**Desa L. Burton, Esq.**  
Fish & Richardson P.C.

San Diego, CA 92130

## **EDUCATION**

University of Pennsylvania Law School, JD, 2004

- Editor-in-Chief, *Journal of International Economic Law*, 2003-2004
- Associate Editor, *Journal of International Economic Law*, 2002-2003
- Member, Penn Intellectual Property Group, 2001-2004

Florida International University, MBA, 2001

- Dean's Honor List
- Specialization in E-Business

Surface Warfare Officer School, 1995

- Military Justice Legal Officer Course (for non-lawyers), 1995
- Advanced Gas Turbine Engineering Course, 1994-1995

United States Naval Academy, BS, 1994

## **EXPERIENCE**

**Fish & Richardson P.C. (Summer 2003; 2004-Present)**

*Summer Associate, Associate*

- Practice emphasizes all types of complex business and intellectual property litigation, including patents, trademarks, unfair competition, unfair business practices, false advertising, trade secrets, and trademark prosecution and counseling; represent clients in litigation matters before federal district courts, the U.S. International Trade Commission, and the Trademark Trial and Appeal Board
- Handle trademark prosecution; assist with commercial and trade secret litigation; manage discovery in patent litigation cases; conduct depositions; conduct pre-trial motion practice and patent due diligence; conduct legal research, writing, and analysis
- Trial experience: *Sandel Avionics, Inc., et al. v. Honeywell International, Inc.* (2004) - Patent infringement suit involving avionics software; assisted litigation team that defended Sandel Avionics in a second suit brought by Honeywell in the U.S. District Court, District of Delaware, relating to devices for terrain awareness and warning systems; won jury verdict of non-infringement

**Philadelphia Volunteer Lawyers for the Arts (2002-2003)**

*Summer Associate, Legal Services Coordinator, Education Services Assistant*

**Philadelphia Law Department, Division of Health and Human Services (Spring 2002)**

*Student Internship*

**United States Navy, Worldwide Assignments (1994-2001)**

*Staff Operations (Counter narcotics) Officer, U.S. Southern Command, Miami, Florida*

*Officer in Charge, Assault Craft Unit TWO, Norfolk, Virginia*

*Repair Division Officer/Damage Control Assistant, USS Briscoe (DD-977), Norfolk, Virginia*

- Qualified Surface Warfare Officer and as Engineering Officer of the Watch on LM-2500 Gas Turbine Main Propulsion Plant and Damage Control Engineering Systems

## **INTERESTS**

Board of Directors for the California Ballet Association; Member of the Earl B. Gilliam Bar Association, ATHENA, San Diego Lawyers Club, San Diego Intellectual Property Law Association, and San Diego County Bar Association; Enjoys sailing, yoga, and golf

Murray L. Galinson is the Chairman of the Board of San Diego National Bank, a 2.5 billion-dollar bank headquartered in San Diego California. He is also on the boards of First Dental Health Corporation, the Weingart Foundation, Price Charities, PriceSmart Corporation, The Galinson Family Foundation and is a member of The Galinson Group of La Jolla, California

He is a member of the Board of Trustees of California Western Law School, immediate past chair of the Board of the California State University system; is vice chair of the boards of The San Diego Jewish Community Foundation and the National Board of the Jewish Funders Network.

He has served as chair of The San Diego Advisory Board for Police Community Relations, The San Diego Citizens Review Board for Police Practices, UCSD Chancellors Associates, The United Jewish Federation of San Diego, The San Diego Blue Ribbon Task Force on Violence, and The Museum of Photographic Arts of San Diego. He has served on numerous other boards and commissions.

Prior to joining San Diego National Bank, he was a professor at California Western School of Law, was the Director of Administration of the Nat'l Mondale/Ferraro Campaign, had been an Assistant United States Attorney for the Southern District of California and the District of Minnesota. He practiced law with the firm of Mullin, Galinson, Swirnoff and Weinberg in Minneapolis, Minnesota.

He has served on numerous political campaign committees, both national and local.

Mr. Galinson received a B.A. degree from the University of Minnesota, a J.D. Degree from the University of Minnesota and a Ph. D. degree from United States International University. He is married to Elaine, has three adult children and eight grandchildren.

**CURRICULUM VITAE OF CHARLES WESLEY KIM, JR.****Office**

Camino del Rio South, Suite 140  
 San Diego, CA 92108  
 Telephone:  
 Facsimile:  
 E-mail: [cwkim2@yelman.com](mailto:cwkim2@yelman.com)

**Home**

San Diego, CA 92102

**Education**

Yale College, B.A. cum laude in History (1979)  
 Yale Russian Chorus, Concert Manager & 1979 Concert Tour to Soviet Union  
 Banner Publications, Freshman Chorus, Judo Club & Pistol Team  
 Columbia University School of Law, J.D. (1982)  
 Columbia/VLA Journal of Art & the Law, Co-Managing Editor (1981-82)  
 Philip C. Jessup International Moot Court Team (1980-1981)  
 Corporation Counsel of the City of New York, Intern (NYPD Use of Force Claims, 1981)  
 Volunteer Lawyers for the Arts, Intern (1982)

**Professional Honors**

State Bar of California, Wiley W. Manuel Award for Pro Bono Legal Services (2003)  
 California Western School of Law, "Master of Advocacy Award" (1997)  
 Pan Asian Lawyers of San Diego, "Kudos Award" (1996) & Special Recognition Award (2000)  
 Marquis' *Who's Who in American Law*, (11<sup>th</sup> Ed., 1996-1997)

**Jurisdictions Admitted to Practice Law**

Commonwealth of Massachusetts (1982), State of California (1986)  
 U.S. Court of Appeals, First Circuit (1983)  
 U.S. District Court, Massachusetts (1983), Southern (1987), Northern (1990), Central California (2006)

**Professional Experience**

Over twenty-four (24) years of experience in civil practice, including family law, business & commercial litigation, products liability, construction defect, maritime, and firearms regulation. Presently Of Counsel to Yelman & Associates, San Diego, CA. Formerly a member of or associated with law firms, including the Law Offices of E. Gregory Alford, Williams & Gilmore, Jennings Engstrand & Henrikson, Lillick McHose & Charles, and Peabody & Arnold, as well as over a decade in solo practice.

**Judicial Experience**

Judge pro tem, Superior & Municipal Courts (now unified)  
 Family Court (1996-1998), Small Claims (1994-1998, 2000-2005)  
 Family Court Settlement Panel (1992-1999, 2003-2006)  
 Family Court Minor's Counsel Panel (1994-Present)  
 Special Master, Superior Court (Family Court, 1996-1999)

**Legal Teaching Experience**

California Western School of Law, Adjunct Professor (Summer 1995, Fall 2003, Fall 2004)  
 Western State University/Thomas Jefferson School of Law, Adjunct Professor (1995-1998)  
 University of San Diego School of Law, Adjunct Professor (Summer 1998)  
 San Diego State University, College of Extended Studies, Legal Assistant Program, Instructor (1995)



**Mentoring**

California Western School of Law, Hon. Thomas Tang Moot Court Competition  
 Team Coach (1997-1999, 2001) and Mentor for Minority Students  
 University of San Diego, Mentor for Minority Students  
 San Diego Police Officers Association, Former mentor for POA-sponsored law student/police officer  
 Hon. Thomas Tang Moot Court Competition, California Region, Judge (1996)  
 California Western School of Law, Appellate Advocacy Competition, Judge (1997-1998)  
 University of San Diego, First Year Moot Court, Judge (1993-1997)

**Public Service (Governmental)****County of San Diego**

Member, Assessment Appeals Board (2007-Present)(property tax assessment appeals)  
 County Hearing Officer (1999-2007)(administrative hearings)  
 District Attorneys' Community Advisory Board (2004-2007)  
 Stalking Strike Force (1996-Present) & Stalking Case Assessment Team (1998-Present)  
 Planning Committee, 1997 Training Conference & 2003 School Violence Conference

**City of San Diego**

Citizens' Review Board on Police Practices  
 Chair, Training Committee (2006-Present), Member (2006-Present)  
 City Manager's Citizens' Panel on Selection of Chief of Police (1999)  
 Citizens' Advisory Board on Police-Community Relations  
 Chair (1996-2001), Dist. 8 (1994-1996)  
 1997 National Endowment for the Arts Cultural Tourism Initiative, Coordinator, API Itinerary  
 SDPD Juvenile Realignment Task Force, Legislation & Ethics Committee (1997-1998)  
 SDPD Use of Force Task Force, Lethal Force Committee (2000-2001)  
 SDPD Chief's Advisory Board for Asian Pacific Islander Community (2000-Present)

Regional Community Policing Institute, Southern California, Advisory Board (1999-2003)  
 City of New York Police Department, Auxiliary Police Officer, Shield A-8602, 20<sup>th</sup> Precinct (1982)

**Pro Bono Publico Service**

Family Court Facilitator, Volunteer (2000-2003)  
 Superior Court Civil Harassment Clinic, Volunteer (2001-2005)  
 Volunteer Lawyers Program, San Diego County Bar Assn. (1990-1997, 1999-Present)  
 Pan Asian Lawyers of San Diego, Inc./UPAC, Domestic Violence Clinic (1993-1995)

**Community Service (Private Sector)**

Asian Business Association, Advisory Board (2003-Present)  
 Asian American Repertory Theater, Advisory Board (1997-1999)  
 First Presbyterian Church of San Diego, Elder (1990-1991) & Evangelism Committee (1989-1991)  
 Francis Parker School, Community Council (2005-Present)  
 Friends of Aikido, Board of Directors (1992-1995)  
 Infragard (FBI/public/private sector infrastructure protection group)(Legal Liaison, 2006-Present)  
 1996 Republican National Convention  
 Volunteer, Americans with Disabilities Act (ADA) Committee  
 Co-Host, San Diego Asian Host Committee Event  
 San Diego State University College of Extended Studies Legal Assistant Program  
 Advisory Board (1995-1997)  
 San Diego Youth at Risk Foundation, Board of Directors (1993)  
 Union of Pan Asian Communities, Table Sponsor (1999, 2003)  
 Yale Club of San Diego  
 Board of Directors (1986-1993, 2006-Present), Alumni Interviewer (1986-2004, 2006-Present),  
 Association of Yale Alumni Representative (1992-1993, 2006-Present)

**Public Presentations**

KASCON21, UCSD, Career in Law Panelist (March 31, 2007)  
California Judges Association, 2005 Statewide Judicial Branch Conference, "Justice for All: Public Trust & Confidence in the California Courts", Plenary Session Panelist (September 7, 2005)  
San Diego County Bar Association, Presenter (CFLS Spring 2005 Seminar, "Civil Harassment")  
California Western School of Law, Minority Bar Panelist (1993-1996)  
Korean American Leadership Conference, "Law as a Career" Panelist (1994-1996)  
Pan Asian Lawyers of San Diego, "Community Law School" Program Instructor (1993-Present)  
San Marcos Junior High School, Career Day Panelist (1992, 2003)  
South Bay Rod & Gun Club, "Domestic Violence Restraining Orders" Program Presenter (1996)

**Bar and Law-Related Activities**

State Bar of California Conference of Delegates/Conference of Delegates of California Bar Assns.  
    Member, Executive Committee/Board of Directors (2000-2003)  
    Member, District 9 Nominating Committee (2001)  
    Chair (1999) & Member (1994-1998), Calendar Coordinating Committee  
San Diego County Bar Association  
    Member, Board of Directors (2005-Present)  
    Chair (1986-1987), Rules & Procedures Subcommittee of the Superior Court Committee  
    Delegate to the Conference of Delegates (1996-2004, 2006-Present)  
Asian Pacific Bar of California, President (1994-1995)  
Pan Asian Lawyers of San Diego  
    President (1990-1991) & Member of the Board (1987-1992, 1998-2000)  
    Delegate to the Conference of Delegates (1990-1991)  
Pan Pacific Law Enforcement Association, Member (1997-Present), Treasurer (2002-2003)  
Lawyers Club of San Diego, Member (2005-Present), Sustaining Member (2006-2007)  
Enright American Inn of Court, Barrister (2006-Present)  
Tom Homann Law Association, Member (2006-Present)  
Association of Threat Assessment Professionals, Member (1999-Present)  
National Association of Counsel for Children, Member (2002-Present)  
California Association of Marriage & Family Therapists, Affiliate Member (2005-Present)  
Federal Bureau of Investigation, San Diego, Citizen's Academy (2006)

**Other Certifications**

CBEST/California Basic Educational Skills Test (December 10, 1994)  
Basic & Advanced Firearms Safety Certifications, San Diego Police Revolver Club

**Current Affiliations**

Chinese Historical Society of San Diego and Baja California, Life Member  
Lincoln Club of San Diego County, Member, Political Action Committee  
South Bay Rod & Gun Club, Member & former Range Safety Officer  
National Rifle Association, Life Member  
U.S. Naval Institute, Life Member  
Yale Club of New York City, Member  
Mory's Association, Member

**Personal**

Born in New York, NY; married to a public school Assistant Principal; two adult children and twin sons

# WILSON BOYLES *bios...*

## M. FAYE WILSON

With over 25 years of experience in the banking and retail industries – as both an executive and member of the Board of Directors – M. Faye Wilson brings extensive expertise in global business management, strategic development, financial structuring, corporate culture alignment and business transition skills to Wilson Boyles and Company.

Before co-founding Wilson Boyles, Wilson held the position of senior vice president of the Risk Management Group for The Home Depot, as well as serving as a member on the board of directors. Prior to that, Wilson enjoyed a 21-year career at Bank of America, where she held several top-level executive and management positions, including executive vice president at Bank of America, chairman and president of Security Pacific Financial Services (a wholly-owned subsidiary of BankAmerica Corporation), chief credit officer for Bank of America's National Consumer Banking Group, managing director of Corporate Finance for Security Pacific Hoare Govett in London and managing director of the Leveraged Buyout Group for Security Pacific Merchant Bank.

During her tenure at Bank of America, Wilson was directly responsible for a number of successful initiatives including: leading the turnaround and sale of a \$2.4 billion consumer finance business; overseeing quality and policy for the vast majority of the corporation's credit portfolio and creating new corporate advisory services, debt structuring products and a cross-border, mergers and acquisitions division for the company's European and U.S. entities.

Currently, Wilson serves as a director on boards of several US and European-based companies. Wilson received her undergraduate degree from Duke University and master's degrees in international relations and business administration from the University of Southern California.



119  
12/4

# **REQUEST FOR COUNCIL ACTION** CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
MAYOR JERRY SANDERS

3. DATE:  
11/16/07

4. SUBJECT:  
**APPOINTMENTS TO THE MANAGED COMPETITION INDEPENDENT REVIEW BOARD**

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)  
Lisa Gordon MS11A, 67740

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)  
Jaymie Bradford MS 11A, 36588

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

☐

## **8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

## **10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT/LG	<i>L. Gordon</i>	11/16/07	8	DEPUTY CHIEF/KM	<i>Julie D. Miller</i>	11/16
2	AUDITOR			9	COO		
3				10	CITY ATTORNEY	<i>Catherine Bradley</i>	11/19/07
4	CFO			11	ORIG. DEPT/ COUNCIL LIAISON/JB	<i>Jaymie Bradford</i>	11/19
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<i>ms</i>	<input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 12/4/07	

11. PREPARATION OF: ☒ RESOLUTIONS ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

Appointing Desa Burton and Charles Kim, Jr. for terms expiring November 1, 2009, and Murray Galinson and Faye Wilson for terms expiring November 1, 2010. See Mayor Sanders' November 16, 2007 nominating memorandum which is attached.

Council designating Penni Takade, Deputy Director of the Office of the Independent Budget Analyst, as Council staff designee for the Managed Competition Independent Review Board.

11A. STAFF RECOMMENDATIONS: Ratify nominations as submitted.

## **12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)**

COUNCIL DISTRICT(S): Desa Burton - CD 5; Murray Galinson - CD 1; Charles Kim, Jr. - CD 8; Faye Wilson - CD 5

COMMUNITY AREA(S): Desa Burton resides in Rancho Bernardo; Murray Galinson resides in La Jolla; Charles Kim, Jr. resides in Golden Hill; Faye Wilson resides in Rancho Bernardo.

DATE:

000864

DOCKET SUPPORTING INFORMATION  
CITY OF SAN DIEGO

11/16/07

SUBJECT:

APPOINTMENTS TO THE MANAGED COMPETITION INDEPENDENT REVIEW BOARD

BACKGROUND:

Please see attached nominating memorandum from Mayor Jerry Sanders dated November 16, 2007.

BY LINE: (MAYOR / DEPT. HEAD / AUTHOR INITIALS)

JS/LG

SIGNATURES:

\_\_\_\_\_  
ORIGINATING DEPT. HEAD

\_\_\_\_\_  
MAYOR  
(FOR MAYORAL DEPARTMENTS ONLY)

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, the establishment of a Managed Competition Independent Review Board [MCIRB] is authorized by City Charter section 117(c) to advise on whether the proposal of City employees or that of an independent contractor will provide services to the City more economically and efficiently while maintaining service quality and protecting the public interest; and

WHEREAS, on January 17, 2007, the City Council adopted an ordinance, which is on file with the Office of the City Clerk as Document No. O-19565 and codified at San Diego Municipal Code sections 22.3701 - 22.3716, that sets forth policies and procedures to implement Charter section 117(c), including the establishment of a MCIRB; and

WHEREAS, the ordinance provides that the MCIRB shall consist of: (a) seven members appointed by the Mayor; (b) three members of City staff, including a Mayoral staff designee, a City Council staff designee, and the City Auditor and Comptroller or staff designee; and (c) four private citizens whose appointment shall be subject to City Council confirmation; and

WHEREAS, the ordinance provides that the private citizen terms be staggered such that two private citizens serve an initial three year term, and the other two private citizens serve a two year term, thereafter, the terms of the private citizens shall be two years; and

WHEREAS, City Charter section 117(c) provides that the appointees have professional experience in one or more of the following areas: finance, law, public administration, business management or the service areas under consideration for managed competition; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the following appointments by the Mayor of the City of San Diego to serve as members of the new Managed Competition Independent Review Board, for terms ending as indicated, be and the same are hereby confirmed:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Desa Burton (Rancho Bernardo, District 5) (Appointment)	Private citizen	November 1, 2009
Charles Kim, Jr. (Golden Hill, District 8) (Appointment)	Private citizen	November 1, 2009
Murray Galinson (La Jolla, District 1) (Appointment)	Private citizen	November 1, 2010
Faye Wilson (Rancho Bernardo, District 5) (Appointment)	Private citizen	November 1, 2010

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Catherine M. Bradley  
Catherine M. Bradley  
Chief Deputy City Attorney

CMB:als  
11/19/07  
Or.Dept:Mayor  
R-2008-447

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor



RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, the establishment of a Managed Competition Independent Review Board [MCIRB] is authorized by City Charter section 117(c) to advise on whether the proposal of City employees or that of an independent contractor will provide services to the City more economically and efficiently while maintaining service quality and protecting the public interest; and

WHEREAS, on January 17, 2007, the City Council adopted an ordinance, which is on file with the Office of the City Clerk as Document No. O-19565 and codified at San Diego Municipal Code sections 22.3701 - 22.3716, that sets forth policies and procedures to implement Charter section 117(c), including the establishment of a MCIRB; and

WHEREAS, the ordinance provides that the MCIRB shall consist of: (a) seven members appointed by the Mayor; (b) three members of City staff, including a Mayoral staff designee, a City Council staff designee, and the City Auditor and Comptroller or staff designee; and (c) four private citizens whose appointment shall be subject to City Council confirmation; and

WHEREAS, the City Council wishes to designate its City staff member to the MCIRB; and

WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that Penni Takade, Deputy Director of the Office of the Independent Budget Analyst, is hereby designated as the City Council staff designee to the Managed Competition Independent Review Board.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By *Catherine M. Bradley*  
Catherine M. Bradley  
Chief Deputy City Attorney

CMB:als  
11/27/07  
Or.Dept:Council  
R-2008-483